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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/713,871 | 11/14/2003 | Willis J. Mullet | WAY.P.US0054A | 1870 |

7590

05/06/2004

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| EXAMINER |
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LEV, BRUCE ALLEN

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| ART UNIT | PAPER NUMBER |
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3634.

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,871

Applicant(s)

MULLET, WILLIS J.

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BRUCE A. LEV
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Mar 8, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said slot" lacks antecedent basis and therefore renders the claim as vague and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Ford et al 6,076,590***.

As concerns claim 1, Ford et al set forth a sectional door (best illustrated in Figure 9) comprising a plurality of panels having a front facer and a rear surface; first and second joints being hinged together; the first joint having a primarily planar surface (formed by the top surface of member 104) perpendicular to the front facer, and the second joint having a curvilinear surface (viewed as inclusive of member 190).

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As concerns claim 2, Ford et al set forth the first joint having a weight bearing raised portion (inclusive of member 192) intermediate the front facer and rear surface.

As concerns claim 3, Ford et al set forth the raised portion contacting the second joint tangentially.

As concerns claim 4, Ford et al set forth the second joint having a projecting nose spaced no more than .2 inches from the first joint during movement.

As concerns claim 5, Ford et al set forth the surface of the second joint being generally concave.

As concerns claim 6, Ford et al set forth the second joint being generally an arc.

As concerns claim 7, Ford et al set forth the second joint having a downwardly projecting nose (of member 190), and wherein the first joint has an offset portion (of member 192) receiving the nose.

As concerns claim 8, Ford et al set forth the second joint having a heel portion, and a recessed offset on the first joint defining a clearance between the joints near the rear of the panels.

As concerns claim 10, Ford et al set forth end stiles receiving roller carriers (inclusive of member 194).

As concerns claim 12, Ford et al set forth a hinge receiver on the roller carrier and a hinge.

As concerns claim 13, Ford et al set forth the hinge receiver including an arcuate slot and the first end of the hinge being arcuate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over ***Ford et al.***

Ford et al set forth the door, as advanced above, except for the joints formed integrally on the panels. However, the examiner takes the position that forming separate members as one integral member, ***an integration of parts***, or vice versa is not considered as patentable subject matter within an apparatus claim. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the separate members as one member in order to reduce the number of parts of the door and thereby the number of steps required to produce the door.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over ***Ford et al in view of Whitley 6,553,618.***

Ford et al set forth the door, as advanced above, except for the roller carriers formed of plastic. However, ***Whitley teaches*** forming roller door carriers from plastic material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the roller carriers of Ford et al by forming them

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from plastic material, as taught by Whitley, in order to reduce friction between the parts, and to reduce the weight of the overall structure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

4/22/04

Bruce A. Lev
Primary Examiner
Group 3600